

CRM-M-30322-2017

Date of Decision : 29.08.2017

Ravi

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL**Present:** Mr. Sushil Jain, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

LISA GILL, JUDGE (ORAL)

Petitioner prays for the concession of bail pending trial in FIR No.66 dated 18.02.2017 under Sections 323, 376, 452, 120-B IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 (in short "POCSO Act") registered at Police Station, Murthal, District Sonapat.

It is submitted that the petitioner has been falsely implicated in this case. The alleged victim in this case is major, therefore, Section 6 of POCSO Act in any case, is not attracted. Moreover, the alleged victim as well as the complainant and the victim's mother have not supported the prosecution version. Copies of the statements of the complainant-PW-1-Jaipal, prosecutrix-PW-2-Neha and victim's mother-PW-3-Priyanka, are attached as Annexures P-2, P-3 and P-4, respectively. Therefore, this petition be allowed.

Learned counsel for the State is unable to deny the factual position as above. Learned counsel for the State, on instructions from ASI Sanjay Kumar, verifies that the petitioner is not involved in any other

criminal case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail. Trial in this case is not likely to conclude in near future.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

(LISA GILL)
JUDGE

29.08.2017

Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No